

Exhibit 1

FILED

2015 AUG 24 PM 3:36

CLERK OF COURT
YUMA, ARIZONA

Law Office of
CARTER MOREY
A Professional Corporation
110 South Church Avenue, Suite 2170
Tucson, Arizona 85701
(520) 792-4330
Telefax: (520) 623-9568

Carter Morey (State Bar # 003734)

Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

JONATHAN MARSHALL, individually, as the
surviving son of MELISSA MARSHALL, deceased,
and on behalf of NICHOLAS MARSHALL, surviving
son, and RUTH JUNTILLA, surviving mother of
MELISSA MARSHALL, deceased, and all other
statutory beneficiaries of MELISSA MARSHALL,
deceased

Plaintiff,

v.

LA MESA REHABILITATION AND CARE
CENTER; FIVE STAR QUALITY CARE,

Defendants.

NO.

COMPLAINT

(Tort, Medical Negligence,
Wrongful Death)

81400CV201500724

Plaintiff alleges:

I.

Plaintiff JONATHAN MARSHALL is the surviving son of MELISSA MARSHALL and brings this action on his behalf and on behalf of NICHOLAS MARSHALL, surviving son and RUTH JUNTILLA, surviving mother of MELISSA MARSHALL, and all other statutory beneficiaries of MELISSA MARSHALL, pursuant to A.R.S. 12-611, et seq., to recover damages for the wrongful death of MELISSA MARSHALL.

1 II.

2 The events complained of herein occurred in Yuma County, Arizona, at La Mesa
3 Rehabilitation and Care Center.

4 III.

5 Defendant LA MESA REHABILITATION AND CARE CENTER is an Arizona
6 corporation, doing business in Yuma County, Arizona, as a rehabilitation and care center, known
7 as La Mesa Rehabilitation and Care Center which provides rehabilitation health care, and care
8 services to the public and which provided rehabilitation health care and care services to decedent
9 MELISSA MARSHALL at all times relevant hereto.

10 IV.

11 Defendant FIVE STAR QUALITY CARE is an Arizona corporation, doing business in
12 Yuma County, Arizona, as a rehabilitation and care center, known as La Mesa Rehabilitation and
13 Care Center which provides rehabilitation health care, and care services to the public and which
14 provided rehabilitation health care and care services to decedent MELISSA MARSHALL at all
15 times relevant hereto.

16 V.

17 At all times mentioned herein, Defendant FIVE STAR QUALITY CARE employed
18 health care providers at La Mesa Rehabilitation and Care Center who were licensed to provide
19 health care in the State of Arizona and who held themselves out to the decedent, MELISSA
20 MARSHALL, the Plaintiff JONATHAN MARSHALL and the public as health care providers
21 qualified and skilled in the practice of health care.

22 VI.

23 All Defendants were either agents, employees or principals of each other at all times
24 relevant to the allegations in this Complaint and are vicariously liable and responsible for the
25 conduct of one another under the principles of respondeat superior, ostensible agency, or
26 otherwise.

VII.

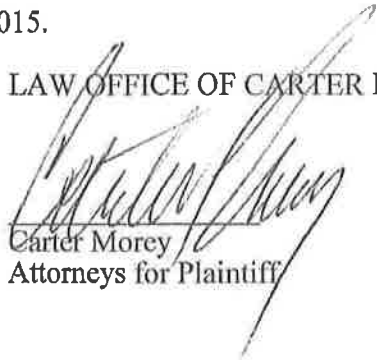
On or about October 23, 2014, and thereafter and at all times relevant thereto, Defendants, individually and by and through their agents and employees, including agents and employees not named in this Complaint, each and all of them, individually and in concert with one another, negligently, grossly negligently and with reckless disregard for the rights of others, including MELISSA MARSHALL, JONATHAN MARSHALL, NICHOLAS MARSHALL and RUTH JUNTILLA, failed to provide appropriate supervision, and care and responsibility to MELISSA MARSHALL; and Defendants had prior knowledge of MELISSA MARSHALL's previous wandering and leaving of the premises; and yet they negligently, grossly negligently and with reckless disregard for the rights of others, including MELISSA MARSHALL, JONATHAN MARSHALL, NICHOLAS MARSHALL and RUTH JUNTILLA, allowed MELISSA MARSHALL to leave the premises of La Mesa Rehabilitation and Care Center, where she was found at a Circle K where she had fallen in the parking lot and hit her head. Thereafter, MELISSA MARSHALL suffered head injuries and brain damage as the result of the negligent supervision, care and responsibility of Defendants. As a result of Defendants' conduct and grossly negligent supervision, care and responsibility, MELISSA MARSHALL passed away on November 5, 2014.

As a result of the grossly negligent and reckless conduct of Defendants, and each of them, as set forth above, Plaintiff JONATHAN MARSHALL has lost his mother, NICHOLAS MARSHALL has lost his mother, and RUTH JUNTILLA has lost her daughter, and each has suffered and will continue to suffer in the future as a result of the death of MELISSA MARSHALL: a) loss of love, affection, companionship, care, protection and guidance; b) pain, grief, sorrow, anguish, stress, shock and mental suffering; and c) along with other pecuniary and non-pecuniary damages the exact amount of which is not yet known, but which will be proven at trial. The amount of the damages resulting from the death of MELISSA MARSHALL exceeds the minimum jurisdictional limit of this Court.

1 WHEREFORE, Plaintiff JONATHAN MARSHALL requests judgment against
2 Defendants, and each of them, for compensatory and punitive damages, for costs, for
3 prejudgment interest from the date of death on all liquidated damages, and for such other and
4 further relief as the Court deems just and proper.

5 Dated this 21st day of August, 2015.

6 LAW OFFICE OF CARTER MOREY

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9 Carter Morey
Attorneys for Plaintiff
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ARIZONA SUPERIOR COURT, YUMA COUNTY

Plaintiff JONATHAN MARSHALL, ET AL.	NO. S1400CV201500724
Defendant LA MESA REHABILITATION AND CARE CENTER; FIVE STAR QUALITY CARE	CIVIL SUMMONS

THE STATE OF ARIZONA to the above-named Defendant: La Mesa Rehabilitation and Quality Care; 2470 S. Arizona Avenue, Yuma, AZ 85364

- I A lawsuit has been filed against you.
- II If you do not want a Judgment taken against you for the relief demanded in the accompanying Complaint, you must file a Response in writing in the Office of the Clerk of the Superior Court, 250 W. 2nd Avenue, Yuma, Arizona, accompanied by the necessary filing fee. A copy of the Response must also be mailed to the plaintiff/attorney whose name appears below.
- III The Response must be filed within TWENTY DAYS, exclusive of the date of service, if served within the State of Arizona, or within THIRTY DAYS, exclusive of the date of service, if served outside the State of Arizona.
- IV This is a legal document. If you do not understand its consequences, you should seek the advice of an attorney. Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least three working days in advance of a scheduled court proceeding.

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by parties at least 3 judicial days in advance of a scheduled court proceeding.

WITNESS My Hand and the Seal of the Superior Court.

DATED: **AUG 24 2015**

CLERK OF THE SUPERIOR COURT
LYNN FAZZ
 Clerk of Superior Court

By **TAMMY SHERMAN**
 DEPUTY CLERK
TAMMY SHERMAN

ATTORNEY'S NAME, ADDRESS, PHONE
 Carter Morey
 LAW OFFICE OF CARTER MOREY
 110 South Church Avenue, Suite 2170
 Tucson, Arizona 85701
 (520) 792-4330
 State Bar No. 003734

ARIZONA SUPERIOR COURT, YUMA COUNTY

Plaintiff JONATHAN MARSHALL, ET AL.	NO. S1400CV201500724	
Defendant LA MESA REHABILITATION AND CARE CENTER; FIVE STAR QUALITY CARE	CIVIL SUMMONS	

THE STATE OF ARIZONA to the above-named Defendant: Five Star Quality Care; 2470 S. Arizona Avenue, Yuma, AZ 85364

- I A lawsuit has been filed against you.
- II If you do not want a Judgment taken against you for the relief demanded in the accompanying Complaint, you must file a Response in writing in the Office of the Clerk of the Superior Court, 250 W. 2nd Avenue, Yuma, Arizona, accompanied by the necessary filing fee. A copy of the Response must also be mailed to the plaintiff/attorney whose name appears below.
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DATED: **AUG 24 2015**

LYNN FAZZ

Clerk of Superior Court
CLERK OF THE SUPERIOR COURT

By _____

[Signature]
DEPUTY CLERK

TAMMY SHERMAN

ATTORNEY'S NAME, ADDRESS, PHONE
Carter Morey
LAW OFFICE OF CARTER MOREY
110 South Church Avenue, Suite 2170
Tucson, Arizona 85701
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Exhibit 2

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11 Attorney for Plaintiff

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13 **IN AND FOR THE COUNTY OF YUMA**

14 JONATHAN MARSHALL, individually, as the
15 surviving son of MELISSA MARSHALL, deceased,
16 and on behalf of NICHOLAS MARSHALL, surviving
17 son, and RUTH JUNTILLA, surviving mother of
18 MELISSA MARSHALL, deceased, and all other
19 statutory beneficiaries of MELISSA MARSHALL,
20 deceased

21 Plaintiff,

22 v.

23 LA MESA REHABILITATION AND CARE
24 CENTER; FIVE STAR QUALITY CARE,

25 Defendants.

NO. S1400CV201500724

**WAIVER OF PROCESS OR
ACCEPTANCE OF
SERVICE FOR
DEFENDANT LA MESA
REHABILITATION AND
CARE CENTER**

(Tort, Medical Negligence,
Wrongful Death)

1 I am the Defendant named, or an agent of the Defendant named who is
2 authorized to execute this Waiver of Process or Acceptance of Service, pursuant to
3 Arizona Rules of Civil Procedure 5(c), on behalf of that Defendant.

4 I have either received a copy of the Plaintiff's Complaint and Summons
5 filed and issued in this action, accepting service of those documents, or waived service

1 of process; and agree that this action may proceed against this Defendant as though this
2 Defendant had been personally served within the State of Arizona.

3 3. This Waiver or Acceptance does not constitute an appearance.

4 I have read the foregoing document and know of my own knowledge that the facts
5 stated herein are true and correct.

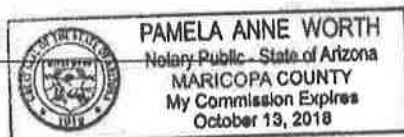
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7
8 Carol Romano
9 GUST ROSENFELD
10 1 E. Washington, Ste. 1600
11 Phoenix, AZ 85004

11 STATE OF ARIZONA)
12) ss:
13 COUNTY OF PIMA)

14 This instrument was subscribed and sworn to before me this 14th day of OCTOBER
15 2015, by CAROL ROMANO. In witness thereof, I hereunto set my hand and official seal.

16
17 Pamela Anne Worth
18 Notary Public

19 My Commission Expires:



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4 CARTER MOREY
5 A Professional Corporation
6 110 South Church Avenue, Suite 2170
7 Tucson, Arizona 85701
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19 statutory beneficiaries of MELISSA MARSHALL,)
20 deceased)

21 Plaintiff,

22 v.

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24 CENTER; FIVE STAR QUALITY CARE,)
25 Defendants.)

NO. S1400CV201500724

**WAIVER OF PROCESS OR
ACCEPTANCE OF
SERVICE FOR
DEFENDANT FIVE STAR
QUALITY CARE**

(Tort, Medical Negligence,
Wrongful Death)

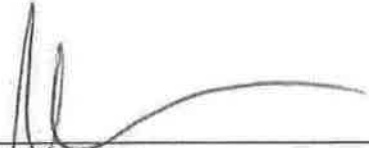
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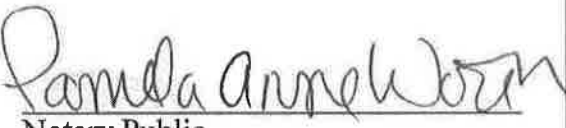
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9 Carol Romano
10 GUST ROSENFELD
11 1 E. Washington, Ste. 1600
12 Phoenix, AZ 85004

13 STATE OF ARIZONA)
14) ss:
15 COUNTY OF PIMA)

16 This instrument was subscribed and sworn to before me this 14th day of OCTOBER
17 2015 by CAROL ROMANO In witness thereof, I hereunto set my hand and official seal.

18 
19 Notary Public

20 My Commission Expires:

